

Questions

Presentation by Mr Arturo GARITA ALONSO, Secretary General for Parliamentary Services of the Senate and Mrs Patricia FLORES ELIZONDO, Secretary General for Administrative Services of the Chamber of Deputies on the Parliamentary System in Mexico

Mr Ian HARRIS, President, thanked Mr Arturo GARITA ALONSO and Mrs Patricia FLORES ELIZONDO for their most interesting and very full presentations. He invited those present to put questions to the speakers.

Mr Yogendra NARAIN (India) asked whether the Mexican courts and tribunal could declare a law unconstitutional. And, if so, on what basis. He also wanted to know what the powers of the Senate were to work in relation to examination of and voting on the Budget.

Mr Arturo GARITA ALONSO said that only the Supreme Court, and no other, could make a judgement on the constitutionality of a law.

Mrs Patricia FLORES ELIZONDO said that examination and vote on the Budget was solely within the powers of the Chamber of Deputies.

Mr Moses NDJARAKANA (Namibia) asked for details about the legal status of Secretaries-General in particular from the point of view of how they were appointed and the length of their mandates.

Mr Arturo GARITA ALONSO said that the Mexican Senate had two Secretaries-General, although there was only one at the Chamber of Deputies. As far as the Senate was concerned, the Bureau nominated Secretaries-General in plenary assembly and the question was decided by simple majority. The length of the mandate was that of the legislative period, that is three years, but the mandate was renewable.

Mrs Patricia FLORES ELIZONDO said that in the Chamber of Deputies, the Secretary-General was proposed by the Bureau for Programming Bills.

Mr Moses NDJARAKANA (Namibia) asked what the legal basis was for these arrangements.

Mrs Patricia FLORES ELIZONDO said that they were part of the Basic Law.

Mme Hélène PONCEAU (France) asked for further details on the service which managed staff careers, on the internal inspection mechanisms in each Chamber and for details of

the relative powers of the Council for Political Coordination and the Administrative Commission.

Mr Arturo GARITA ALONSO said that the service which managed staff careers guaranteed staff members a civil service career and evaluated their performances. The service enabled staff to be protected from political influence.

The Administrative Commission included Senators who were responsible for assisting the Bureau, notably in relation to supervising works, the budget, controlling expenditure etc.

As far as internal control was concerned, its principal responsibility was to carry out an audit of expenditure, to ensure its propriety and transparency.

Mr Hans Peter GERSCHWILER (Switzerland) wondered about the appointment of Senators for a non-renewable mandate of six years, which seemed to him a way of weakening Parliament. He also wanted to know what happened to elected Members at the end of their mandates.

Mr Arturo GARITA ALONSO said that Senators could not be re-elected to the same post, but they could stand for another elected post -- for example that of Deputy. This rule against immediate re-election to the same post was supposed to guarantee a minimum renewal of elected people. Nevertheless, it was true that this rule was much debated in Mexico.

In addition, unless such work was incompatible with their duties, many elected Members retained some outside professional activity which they could take up again at the end of their mandate.

Mrs Maria Valerie AGOSTINI (Italy) asked how the Standing Committee was elected and made up.

Mrs Patricia FLORES ELIZONDO said that the Standing Committee on which Deputies and Senators sat continued to sit during Parliamentary vacations, which guaranteed the permanence of the Chambers in certain areas.

Mr Petr TKACHENKO (Russian Federation) asked whether the Senate had various specialist groups which could examine draft bills in order to understand how they should be financed.

Mr Arturo GARITA ALONSO said that the Senate had a legal counsel, who gave a purely technical opinion on the Bills which were being discussed.

Mr Jorge VALDES AGUILERA said that as far as the budget of the Senate was concerned, the administration decided what it needed within the framework of a Committee

on Planning Resources, which prepared proposals that were sent to the Ministry of Finance.

Mr Wolfgang ZEH (Germany) asked how long elapsed on average between the preparation of a draft bill and its presentation before both Chambers, as well as the average number of laws agreed within a three-year legislative period. He also asked the speakers to comment in general on the legislative procedure in Mexico.

Mr Arturo GARITA ALONSO said that the time required to agree a draft bill was entirely variable, according to political reality. More fundamentally, this was not a criterion for quality and the only basis for judging laws was their acceptability among citizens.

Mr Michael POWNELL (United Kingdom) asked whether any services for Members, such as the Library or databases, were common to both the Chamber of Deputies and the Senate.

Mrs Patricia FLORES ELIZONDO said that all services were run separately.

Mr George CUBIE (United Kingdom) wanted to know how often members of the Government replied to Questions from members of the Parliament; whether both Chambers held extraordinary sessions; and how they organised the reception of 300 new members every three years.

Mr Arturo GARITA ALONSO first of all said that a member of the Executive in practice would never address the Chambers, even if the means existed for him to do so. Although on the basis of an agreement between both Chambers it was theoretically possible to summon a member of the Executive to hear him on a particular topic, this procedure was rarely used.

Extraordinary sessions were decided upon by the Standing Committee whenever required.

Informing newly elected Members was a very great burden for the administration, which affected all members of staff.

Mr Mario FARACHIO (Uruguay) asked whether the Supreme Court could decide on the constitutionality of laws on its own initiative or whether it had to be asked to judge on such issues by a party to an action in front of it. He also asked what exactly the Standing Committee did during the Parliamentary vacations; and also whether there was a legislative research service in the two Chambers.

Mr Arturo GARITA ALONSO said that the Supreme Court only acted at the request of a party; the Standing Committee only had limited powers -- since it could summon Parliament to sit in extraordinary session only when necessary; and that each Chamber had its own legislative research departments.

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Mr Khondker Fazlur RHAMAN (Bangladesh) asked what the quorum was for the Chamber; and whether an elected Member who was often absent could be expelled.

Mr Arturo GARITA ALONSO replied that the quorum was a simple majority of members of the Chamber, and that the law laid down a maximum number of permitted absences - on the basis of allowed reasons - and the penalty for exceeding this was partial loss of pay.

Mr Abdel Jalil ZERHOUNI (Morocco) asked whether either Chamber had a service which occupied itself specifically with the careers of deputies or senators. He asked whether it was the practice to change Secretary-General at the start of each new legislative period, or whether a consensus between the parties allowed a certain continuity.

Mr Arturo GARITA ALONSO said that such a service did not exist and that it was a matter entirely for each legislator to decide about such matters. In the Senate, the Secretary-General was elected for the period of the legislature, but could be confirmed in his or her functions by a supplementary mandate given by a newly elected Chamber.

Mrs Patricia FLORES ELIZONDO said that a change of Secretary-General required a two thirds majority, which meant that there had to be agreement between various political groups.

Mr Samson Ename ENAME (Cameroon). Asked how security was ensured within each Chamber and whether that was a matter within the responsibility of the Secretary-General. He also wanted to know whether the right to vote could be delegated -- and if that was the case under what conditions -- and to know what proportion there was between bills proposed by the government and bills proposed by a private members.

Mr Jorge VALDES AGUILERA said that security within both Chambers was within the prerogative of their respective Presidents and that this responsibility was delegated to each Secretary-General.

Mrs Patricia FLORES ELIZONDO said that delegating the right to vote was impossible, since that was a personal right.

Mr Arturo GARITA ALONSO said that up to the year 2000, more or less, nine out of 10 bills agreed by Parliament came from the Executive. At the moment, bills with a Parliamentary and bills with a governmental origin were more or less in equal proportions, which indicated a welcome change in favour of Parliament.

Mr G.C. MALHOTRA (India) noticed that since there were six political parties represented in the Chamber, it presumably followed that there were alliances between the various parties. He wanted to know whether in Mexico elected Members suddenly changed their partisan loyalty and whether there were laws to combat such changes. He also asked for

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what reason the Chamber of Deputies, which was supposed to be the more powerful Chamber, only had one Secretary-General, whereas the Senate, which was smaller, had two.

Mrs Patricia FLORES ELIZONDO said that was no law in Mexico which forbade an elected Member from changing his political allegiance.

Mr Arturo GARITA ALONSO said that both Chambers were equally responsible for the examination and agreement of laws, both were on the same political level and therefore worked on an equal footing.

Mr Carlos Hoffmann CONTRERAS (Chile) asked whether the Secretaries General had to be members of the staff of the Chamber before they were able to be nominated to the duties of Secretary General and whether they were indefinitely re-electable.

Mr Jorge VALDES AGUILERA said that Secretaries General could either have belonged to the staff of either Chamber or be selected from outside that staff. The current Secretaries General had previously been members of their respective staffs.

Secretaries General were re-electable. When their mandates ended, those concerned took up responsibilities within the administration which had to be different from those which they previously had carried out.

Mrs Emma Lirio REYES (Philippines) wanted to know why it was currently envisaged that the length of sessions would be longer; and also what the average time was for the agreement of a simple draft government Bill, approximately.

Mrs Patricia FLORES ELIZONDO said that the principle of lengthening the sessions had been agreed to easily, since the current length seemed insufficient to everybody. In order to achieve this, there would have to be an amendment to the Constitution, on which Congress had already given a positive opinion.

Mrs Marie-Andrée LAJOIE (Canada) wanted to know how many staff there were in each Chamber, as well as their rate of turnover.

Mr Jorge VALDES AGUILERA said that staff members only recently had gained a formal status, four years ago in the Chamber of Deputies and only two years ago in the Senate. Turnover was fairly small: the great majority had worked for one or other Chamber for 20, 30 or even 40 years. On that basis, the legal status only made official what had been a long established state of affairs.

The Senate had about 230 staff members; the Chamber of Deputies had about 550.

Mr Henk BAKKER (Netherlands) asked whether the Government could unilaterally reduce the budget of one or other Chamber.

Mrs Patricia FLORES ELIZONDO said that it did not have that power, because it was the legislative power which, in Mexico, decided on Appropriation for the country and for itself. In that area the Government could only put forward proposals.

Mr Ian HARRIS, President, thanked the members present for the numerous questions which were very relevant to the subject.